

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the pending Office Action, the Examiner objected to the drawings, under 37 C.F.R. 1.84(n) and 1.84(o), as lacking descriptive labels; objected to the Specification as containing informalities; objected to claims 3-7, under 37 C.F.R. 1.75(c), as being of improper dependent form; and rejected claims 1-5, under 35 U.S.C. §102(b), as being anticipated by Nataragan (U.S. Patent No. 5,212,806).

Prior to the entry of this Amendment, claims 1-7 were submitted for examination. By this Amendment, Applicant has canceled claims 1-7 and has introduced new claims 8-25 to provide a better presentation of the claimed invention. Applicant submits that the new claims fully comply with §112, second paragraph, as well as 37 C.F.R. 1.75(c), and that the changes in claim language are not intended to further distinguish the claimed invention over the prior art nor do these changes introduce new matter into the claims. In addition, Applicant has amended the Specification to correct the informalities indicated by the Examiner. As such, withdrawal of the objection to claims 3-7 and the Specification is respectfully requested.

Applicant proposes modifications to the Drawings in accordance to the Drawing Change Authorization Request, filed concurrently herewith, to provide descriptive labels as indicated by the Examiner. Accordingly, withdrawal of the objection to the Drawings, under 37 C.F.R. 1.84(n) and 1.84(o), is respectfully requested.

Applicant respectfully traverses the rejections under 35 U.S.C. §§102(b) for the reasons presented below, insofar as the rejections are still deemed appropriate in light of the new claims.

I. Rejection of Claims 1-7 Under §102(b).

With respect to claims 1-5, the Examiner summarily asserted that Natarajan anticipates the claimed invention. (Office Action, par. 6, page 3). Applicant respectfully disagrees.

Applicant respectfully points out that for a proper rejection under 35 U.S.C. §102, every element of the claimed invention must be identically disclosed, either expressly or under principles of inherency, within a single reference. Corning Glass Works v. Sumitomo Electric U.S.A., Inc., 9 U.S.P.Q.2d 1962, 1965 (Fed. Cir. 1989). Moreover, the exclusion of a claimed element, no matter how insubstantial or obvious, from a prior art reference is enough to negate anticipation. Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983). In addition, the identical invention must be shown in as complete a detail in the reference as is contained in the claim. Richardson v. Suzuki Motor Co., 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (see also M.P.E.P. §2131). Applicant respectfully submits that Natarajan does not teach every element of the claimed combination of elements, either expressly or inherently.

The present invention, as recited in claim 8, sets forth a wireless communication apparatus comprising, *inter alia*:

a transmitter mechanism . . . configured to transmit wireless pulse data signals *across a direct wireless link* . . .

a receiver mechanism configured to receive wireless pulse data signals *from said direct wireless link* . . .

wherein said *direct wireless link is established between wireless communication apparatuses and accommodates the direct transmission and reception of said wireless pulse data signals between said wireless communication apparatuses, without the use of intermediate active transmission systems.*

With respect to an embodiment of the present invention, the Specification discloses that the communication apparatuses **12** communicate across a link **9** for the direct transmission of data. (Specification, page 5, lines 17-20; FIG. 1). The direct transmission of data denotes that there are no intermediate active transmission systems (e.g., cellular base stations, cellular switching centers) that receive the transmitted signals from one communication apparatus and then forward the received signal to another communication apparatus. (Specification, page 5, lines 24-30).

Natarajan is directed to a method of managing ownership of mobile communication units within a wireless communications network. (Column 3, lines 55-58). The mobile communication units **10** communicate with a header station **12**, which is coupled to a local area network **16**. (Column 5, lines 11-15; FIG. 1A). Unlike the present invention, however, Natarajan discloses that all wireless communications occur between header station **12** and mobile units **10**. (Column 6, lines 33-35). In fact, Natarajan specifically states that there “*is no direct communication between the mobile units 10*”. (Column 6, lines 35-36). As such, Natarajan does not, in any way, teach the direct transmission and reception of wireless data signals between wireless communication apparatuses, as required by claim 8.

Applicant submits that because Natarajan clearly fails to teach or suggest the claimed direct transmission and reception of wireless data signals between wireless communication

apparatuses, Natarajan cannot be reasonably relied upon to anticipate the claimed invention. Furthermore, because there exists no suggestion in Natarajan to modify the apparatus disclosed therein to achieve the combination recited in claim 8, claim 8 cannot be construed as being anticipated by, or obvious in view of, Natarajan.

Applicant, therefore, respectfully submits that independent claim 8 is patentably distinguishable over Natarajan. Applicant also submits that because claims 9-16 depend from claim 8, claims 9-16 are patentable at least by virtue of dependency.

In addition, because independent claim 17 contains subject matter similar to claim 8, claim 17 is patentable for at least the same reasons given with respect to claim 8. Moreover, claims 18-25 are patentable at least by virtue of their dependence to claim 17.

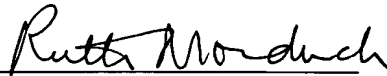
II. Conclusion.

All matters having been addressed and in view of the foregoing amendments and remarks, Applicant submits that the present invention, as recited in the claims, is patentably distinct over the prior art references of record. Applicant, therefore, respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

Applicants' counsel remains ready to assist the Examiner in any way to facilitate the prosecution of this matter.

Respectfully submitted

PILLSBURY MADISON & SUTRO LLP
INTELLECTUAL PROPERTY GROUP

By 

Ruth N. Morduch

Reg. No. 31,044

Tel. No.: (202) 861-3617

Fax No.: (202) 822-0944

RNM/ERH:rmb

1100 New York, Avenue, N.W.
Ninth Floor
Washington, D.C. 20005-3918
(202) 861-3000